

IN THE STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA

FIRST FINANCIAL INVESTMENT)	
FUND V., LLC. SUCCESSOR in)	
INTEREST TO DEKALB MEDICAL)	
CENTER, INC.)	
Plaintiff,)	
Vs.)	CIVIL ACTION
)	FILE NO. 18A70172
SELWYN JOHNSON)	
Defendant)	
)	

STATEMENT NOTING A PARTY'S DEATH

According to O.C.G.A. § 9-11-25(a)(1), Defendant's attorney notes the death during the pendency of this action of Defendant Selwyn Johnson.

Respectfully submitted, this 27th day of December, 2019.

/s/Christopher J. Diwan
Christopher Diwan
Diwan Law, LLC.
Georgia State Bar No. 388699
Attorney for Defendant

2 Ravinia Drive, Suite 120
Atlanta, GA 30346
(404) 635-6883



CERTIFICATE OF SERVICE

On December 27, 2019, I filed this paper with the court's electronic-filing system, which will send a notice of electronic filing to:

Larry W. Johnson
1935 Cliff Valley Way, N.E., Suite 115
Atlanta, Ga, 30329
ljohnson@suretybondsagency.com

/S/Christopher J. Diwan
Christopher Diwan
Diwan Law, LLC.
Georgia State Bar No. 388699
Attorney for Defendant

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STATE OF GEORGIA

FIRST FINANCIAL INVESTMENT)	
FUND V., LLC. SUCCESSOR in)	
INTEREST TO DEKALB MEDICAL)	
CENTER, INC.)	
Plaintiff,)	
v.)	CIVIL ACTION
)	FILE NO. 18A70172
SELWYN JOHNSON)	
Defendant)	

**MOTION TO STAY CASE
DUE TO THE DEATH OF DEFENDANT**

COMES NOW Attorney for deceased Defendant, and files this Motion to Stay Case Due to the Death of Defendant and states the following in support thereof:

On or about December 10, 2019, Defendant died at the University of Alabama Birmingham Hospital in Birmingham, Alabama. [A death certificate has not issued yet.]

The Defendant's attorney filed the Suggestion of Death with this Court on December 27, 2019.

Plaintiff's Motion for Attorney's Fees is all that remains in this case and is set to be argued on January 6, 2019.

Since only the Defendant's estate executor or administrator has standing, pursuant to OCGA § 9-11-25(a)(1), the case should be stayed until the proper property is substituted into the case. *Schlamp v. McMahon*, 305 Ga.App. 312, 699 S.E.2d 758 (Ga. App. 2010). *Lizarazo*

v. Miami-Dade Corr. & Rehab. Dep't, 878 F.3d 1008 (11th Cir. 2017).
Dumas v. Riverview Health & Rehab. Ctr. (S.D. Ga. 2012).

CONCLUSION

For the above-stated reasons, deceased Defendant's Motion should be Granted.

Respectfully submitted, this 3rd day of January 2020.

/s/Christopher J. Diwan
Christopher Diwan
Diwan Law, LLC.
Georgia State Bar No. 388699
Attorney for Defendant

2 Ravinia Drive, Suite 120
Atlanta, GA 30346
(404) 635-6883

STATE COURT OF
DEKALB COUNTY, GA.
1/3/2020 11:32 AM
E-FILED
BY: Kelly Flack

CERTIFICATE OF SERVICE

On January 3, 2020, I filed this paper with the court's electronic-filing system, which will send a notice of electronic filing to:

Larry W. Johnson
1935 Cliff Valley Way, N.E., Suite 115
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/S/Christopher J. Diwan
Christopher Diwan
Diwan Law, LLC.
Georgia State Bar No. 388699
Attorney for Defendant

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THE FRONT OF THIS DOCUMENT IS PINK - THE BACK OF THIS DOCUMENT IS BLUE AND HAS AN ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW

ALABAMA
Center for Health Statistics
ALABAMA CERTIFICATE OF DEATH

Number 101-2019-52148

1. DECEASED LEGAL NAME Nelwyn O. Johnson		2. ALIAS NAME(S) AND None Given		3. DATE AND TIME OF DEATH Dec 10, 2019 1821			
4. COUNTY OF DEATH Jefferson		5. CITY, TOWN OR LOCATION OF DEATH AND ZIP CODE Birmingham, 35233		6. PLACE OF DEATH University of Alabama Hospital			
7. SEX Male		8. LAST NAME PRIOR TO FIRST MARRIAGE		9. SERVED IN ARMED FORCES No			
10. AGE 62	11. MONTH MARCH	12. DAY DAYS	13. HRS HRS	14. MIN MINS	15. DATE OF BIRTH 1957	16. BIRTHPLACE (CITY OR Parish Country) England	17. SOCIAL SECURITY NUMBER 0979
18. MARITAL STATUS Married		19. SURVIVING SPOUSE NAME PRIOR TO FIRST MARRIAGE Darlene Morris		20. RESIDENCE STATE Georgia			
21. RESIDENCE COUNTY DeKalb		22. CITY, TOWN OR LOCATION AND ZIP CODE Stone Mountain, 30083		23. STREET ADDRESS 785 Lagoon Court			
24. INFORMANT NAME, RELATIONSHIP AND ADDRESS Darlene Johnson, Wife, 785 Lagoon Court, Stone Mountain, GA 30083							
25. FATHER/PARENT NAME PRIOR TO FIRST MARRIAGE Clarence Johnson				26. MOTHER/PARENT NAME PRIOR TO FIRST MARRIAGE Vera Johnson			
27. DISPOSITION OF BODY Burial		28. CEMETERY OR CREMATORIAL Melwood Cemetery		29. LOCATION Stone Mountain, Georgia			
30. DATE OF DISPOSITION Jan 7, 2020		31. FUNERAL DIRECTOR Latoria Janae Williams		32. LICENSE NUMBER 33948		33. DATE SIGNED Jan 10, 2020	
34. GENERAL HOME NAME AND ADDRESS Davenport-Harris Funeral Home, 301 Martin Luther King Dr SW, Birmingham, AL 35211							
35. MEDICAL CERTIFICATION: Certifying Physician 36. NAME Charles Hoopes MD 37. LICENSE NUMBER 33948 38. DATE SIGNED Dec 19, 2019							
39. ADDRESS OF PERSON WHO COMPLETED CAUSE OF DEATH 1900 University Blvd, Birmingham, Alabama 35201							
40. REGISTRAR Nicole Henderson Rushing 41. DATE FILED Jan 13, 2020							

CAUSE OF DEATH

42. PART I: DISEASES, INJURIES OR COMPLICATIONS THAT CAUSED DEATH IMMEDIATE CAUSE A. Cardiogenic shock DUE TO (OR AS A CONSEQUENCE OF)		43. INTERVAL minutes	
B. amyloidosis DUE TO (OR AS A CONSEQUENCE OF)		years	
C. DUE TO (OR AS A CONSEQUENCE OF)			
D. DUE TO (OR AS A CONSEQUENCE OF)			

44. PART II: OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH

45. MANNER OF DEATH Natural Causes	46. PREGNANT (IF FEMALE)	47. AUTOPSY No	48. FINDINGS CONSIDERED	49. TOXICOLOGY	50. FINDINGS CONSIDERED	51. TOBACCO USE CONTRIBUTED TO DEATH No
52. HOW INJURY OCCURRED						
53. DATE AND TIME OF INJURY	54. INJURY AT WORK	55. IF TRANSPORTATION INJURY, SPECIFY				
56. PLACE OF INJURY	57. LOCATION OF INJURY					

ADPH/HS E1/REV 01-16

This is an official certified copy of the original record filed in the Center of Health Statistics, Alabama Department of Public Health, Montgomery, Alabama 2020-114-553-3

January 13, 2020

STATE COURT OF
DEKALB COUNTY GA
1/23/2020 10:39 AM
E-FILED
BY: Monique Roberts

Nicole Henderson Rushing
State Registrar of Vital Statistics